

CHAPTER 5 PRECINCT DELEGATE CANDIDATES

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CANDIDATE QUALIFICATIONS: Michigan election law stipulates that a precinct delegate candidate must be “a qualified and registered elector residing within, as well as having his or her actual bona fide residence within, the election precinct for which he or she desires to become a candidate *on the filing deadline.*” The precinct delegate filing deadline elapses at 4:00 p.m. on the thirteenth Tuesday preceding the primary. With respect to the age qualification, this means that a precinct delegate candidate must be at least 18 years of age by the filing deadline.

- A precinct delegate candidate may hold or seek any other public office in Michigan. Consequently, a precinct delegate candidate may appear as a candidate for another office on the August primary ballot.
- While a precinct delegate candidate may not serve as an election inspector in the precinct in which he or she resides, a precinct delegate candidate may serve as an election inspector in any other precinct in the county. (MCL 168.677)

CREATION OF PRECINCT DELEGATE POSITIONS: The county chairperson of each political party qualified to participate in the statewide August primary certifies to the county election commission on or before April 1st the number of precinct delegate positions to appear under the party’s vignette in each precinct in the county. Michigan election law provides that the allotment of

delegates to all precincts in the state “shall be made to insure, as near as is practicable, equal apportionment based upon the total vote cast for the candidate of each political party for either president of the United States or secretary of state at the last general November election when elections for those offices were held, whichever is later. However, each precinct shall have at least 1 delegate.” (MCL 168.623a)

- The Republican Party and the Democratic Party are qualified to appear on the August primary ballot.
- If the county chairperson of a political party qualified to participate in the August primary fails to meet the April 1 certification deadline, the county election commission is required to determine the number of precinct delegate positions to appear under the party’s vignette in each precinct in the county.

FILING REQUIREMENTS: A person who wishes to seek a precinct delegate position must file an Affidavit of Identity (in duplicate) with the clerk of his or her county of residence. Petition signatures are *not* required.

To facilitate the precinct delegate candidate filing process, an Affidavit of Identity designed exclusively for use by precinct delegate candidates has been developed by the Department of State’s Bureau of Elections. The form is available through commercial vendors and a copy of the form is provided in *Appendix I*. It merits note that the availability of the precinct delegate Affidavit of Identity form does *not* preclude a precinct delegate candidate from filing with the standard Affidavit of Identity form if desired.

- The deadline for filing an Affidavit of Identity for a precinct delegate position is 4:00 p.m. on the thirteenth Tuesday preceding the primary. (MCL 168.624)
- The deadline for withdrawing a precinct delegate filing is 4:00 p.m. on the *third day* following the filing deadline. The withdrawal must be in writing and must be filed with the *county clerk*; Michigan election law does not make any allowances for filing such withdrawals with the city or township clerk. (MCL 168.624a)
- Precinct delegate candidates are *not* required to file disclosure forms under Michigan’s Campaign Finance Act. Consequently, precinct delegate candidates are *not* required to file the “campaign finance compliance statement” required under MCL 168.558(4). (MCL 168.558(4) requires any

candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, “all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”) In addition, precinct delegate candidates are *not* required to file the “campaign finance compliance statement” required under MCL 168.848. (MCL 168.848 requires any candidate elected to office on the state, county or local level to file a similar campaign finance compliance statement prior to assuming office.)

Careful Review of Filings Urged: It is important to carefully review all precinct delegate filings to confirm that the filer has accurately identified his or her precinct of residence on the Affidavit of Identity form. Precinct delegate candidates who do not accurately identify their precinct of residence on the form should be immediately contacted and alerted to the error. Such errors can be corrected by the filer through the submission of a notarized statement anytime prior to the precinct delegate filing deadline.

COMPLAINT PROCESS: A complaint may be filed if it is believed that a precinct delegate candidate 1) is not registered to vote in the precinct he or she wishes to represent or 2) does not actually reside within the precinct he or she wishes to represent. The complaint must be presented to the county clerk in writing before the August primary ballots are released for printing.

The county clerk forwards any challenges filed against the registration or residence of a precinct delegate candidate to the appropriate city or township clerk for review. The city or township clerk then has 48 hours to complete the review and report back to the county clerk. (MCL 168.624)

PRECINCT DELEGATE BALLOT: Precinct delegate positions are placed after all other partisan offices on optical scan ballots. The names of precinct delegate candidates are *not* rotated on the ballot.

WRITE-IN CANDIDATES FOR PRECINCT DELEGATE: An individual who wishes to seek a precinct delegate position with write-in votes is required to file a “Declaration of Intent” with the city or township clerk by 4:00 p.m. on the Friday immediately preceding the primary. As an alternative, such candidates may file a Declaration of Intent with the appropriate precinct board on the day of the August primary anytime prior to the close of the polls. (It merits note that there are no provisions of

law which permit write-in candidates seeking precinct delegate positions to file on the county level.) A Declaration of Intent form developed exclusively for use by precinct delegate candidates is provided in *Appendix I*. The form is also available through commercial vendors and on the Department's website. (MCL 168.737a)

Write-in votes cast for a precinct delegate candidate who has not filed a Declaration of Intent *do not count*. (Write-in votes which do not count due to the candidate's failure to file a Declaration of Intent are *not* considered when determining whether an "overvote" has occurred on optical scan ballots.)

City and township clerks are responsible for notifying the appropriate precinct boards in their jurisdiction of any Declaration of Intent forms submitted by precinct delegate candidates by the above referenced deadline. Precinct boards must carefully maintain any Declaration of Intent forms submitted by precinct delegate candidates at the polls on the day of the August primary.

The Declaration of Intent "waiver" *does not* apply to precinct delegate positions. (The Declaration of Intent waiver, applicable to all other offices on the ballot, is invoked if a candidate appearing on the ballot for the office involved dies or is otherwise disqualified on or after 4:00 p.m. on the 2nd Friday immediately preceding the election. In such an instance, all write-in votes cast for the office are counted including any write-in votes cast for candidates who have not filed a Declaration of Intent.)

PRECINCT CANVASS AND CERTIFICATION OF PRECINCT DELEGATES: Candidates elected to precinct delegate positions are certified to the county clerk by the precinct board responsible for counting the ballots. The precinct delegate candidates who receive the highest number of votes for the available positions under each party column are elected. (The three vote minimum which was formerly needed to win a precinct delegate position was eliminated under PA 583 of 1996.)

Canvassing documents designed for use by election inspectors are available through commercial vendors. (MCL 168.737a)

- Absent voter counting boards used to administer primary: If your jurisdiction plans to use absent voter counting boards to administer an even numbered year August primary, special procedures must be implemented to ensure that complete precinct delegate vote results are generated and certified for each precinct. To accomplish this, the vote totals from each precinct must be merged with the votes cast by the precinct's absentee voters. A special certifying board must be established to carry out this function.

- Absent voter counting boards not used to administer primary: If your jurisdiction does *not* plan to use absent voter counting boards to administer an even numbered year August primary, the precinct delegate vote results are determined by combining the votes cast for precinct delegates by absentee voters with the votes cast for precinct delegates by the voters who attended the polls. The precinct board is responsible for carrying out this function.